

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

Kelly Harper,

Civil No. 23-3468 (PJS/LIB)

Defendant,

vs.

ORDER ADOPTING  
REPORT AND RECOMMENDATION

Michael Segal, et al.,

Defendants.

\* \* \* \* \*

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. Defendants' Motions to Dismiss, [Docket No. 65], is **GRANTED in part** and **DENIED in part**, as set forth below;
2. Plaintiff's official-capacity Bivens claims seeking monetary damages against all Defendants are **DISMISSED without prejudice**;
3. Plaintiff's individual capacity claims against the FCI Hazelton Defendants are **DISMISSED without prejudice**;
4. Plaintiff's individual capacity claims against Defendant Connors are **DISMISSED without prejudice**;
5. Plaintiff's Eighth Amendment Bivens claim seeking monetary relief from the FCI Waseca Defendants in their individual capacities is **DISMISSED without prejudice**;

6. Plaintiff's First Amendment retaliation claim seeking monetary relief from the FCI Waseca Defendants in their individual capacities is **DISMISSED with prejudice**;
7. Plaintiff's First Amendment access-claim seeking monetary relief from the FCI Waseca Defendants in their individual capacities is **DISMISSED without prejudice**;  
and
8. Plaintiff's FTCA claim is **DISMISSED without prejudice**.

DATED: 3/4/2025  
At Minneapolis, Minnesota

s/Patrick J. Schiltz  
Patrick J. Schiltz, Chief Judge  
United States District Court